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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/100,223	06/19/98	CONMY	D 52817.000051

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EXAMINER

VINCENT, S

ART UNIT	PAPER NUMBER
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2765

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DATE MAILED: 07/27/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. 09/100,223	Applicant(s) CONMY, DOUGLAS WALTER	
	Examiner Steven F Vincent	Art Unit 2765	

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 May 2000.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

- |   |  |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 20) <input type="checkbox"/> Other: _____                                    |

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### **DETAILED ACTION**

1. Claims 1 to 20 are presented for examination.

#### ***Response to Arguments***

2. Applicants have argued that Zhang does not anticipate the Applicants' invention for the following reasons: Zhang does not store invitee profiles including available and unavailable times for the respective invitees, and Zhang does not disclose a results display which shows available, unavailable and not found attendees. The second argument is based on Amended claims presented in the response to the first Office Action.
  3. The first of the Applicants' arguments have been fully considered but they are not persuasive. As will be shown below, Zhang fully discloses storing invitee profiles as claimed in the Applicants' independent claims. The second of the Applicants' arguments concerning results display have been considered but are moot in view of the new ground(s) of rejection given below.
  4. Claims 1, 2, 4 to 7, 13 and 17 were rejected in the first Office Action under 35 U.S.C. 102(e) as being anticipated by Zhang et al (US 6,016,478). Due to the Amended claims this rejection is now changed to U.S.C 103(a) rejection as shown below.
- #### ***Claim Rejections - 35 USC § 103***
5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
  6. Claims 1, 2, 4 to 7, 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang, and further in view of Hotaling (US 5,124,912). The

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Applicants in the Information Disclosure Statement filed May 12, 2000 provided Hotaling. Hotaling discloses a meeting management system, which includes a listing of available, unavailable and not found attendees.

- a. As per claims 1 and 4 to 6, Zhang discloses a "database means for storing a profile for each potential invitee of the system, the invitee profiles comprising user profiles wherein each user profile comprises information regarding available and unavailable time for that user". As shown in column 18, line 10, Zhang discloses that scheduling information is stored in the scheduling database (950). In the subsequent sections the format of this information is disclosed. The group appointment information is shown on the bottom of column 20 and the field items are shown in the middle of column 21 and the bottom of column 22. Using this field structure, profiles for each invitee are stored in the database. A profile including available time, acceptance of the meeting and other information is stored.

Zhang discloses a personal information system as disclosed in the first Office Action, but does not disclose the listing of available, unavailable and not found attendees. Hotaling discloses this feature in Figure 11 and in the paragraph starting on column 9, line 46. In Hotaling, "Y" means available, "N" means not available and "NP" means not participating. It would have been obvious to add this feature to Zhang since a listing is given in Fig. 7A of Zhang which shows details of participants but not to the extent of Hotaling. The simple

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addition of symbols to the listing would be obvious to one skilled in the art of computer programming.

b. As per claims 2, 7, 13 and 17, the argument made in the first Office Action still stand. Since the independent claims are still rejected and the Applicants did not argue any other point, these claims are still rejected for the reasons given in the first Office Action.

7. Claims 3, 8, 14 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang and Hotaling as applied to claims 1 and 4 to 6 above, and further in view of Sisley et al (US 5,467,268). Since the independent claims are still rejected and the Applicants did not argue any other point, these claims are still rejected for the reasons given in the first Office Action.

8. Claims 9, 11, 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang and Hotaling as applied to claim 1 and 4 to 6 above, and further in view of Cree et al (US 4,866,611). Since the independent claims are still rejected and the Applicants did not argue any other point, these claims are still rejected for the reasons given in the first Office Action.

9. Claims 10, 12, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang and Hotaling as applied to claim 1 and 4 to 6 above, and further in view of Schloss et al. (US 5,692,125). Since the independent claims are still rejected and the Applicants did not argue any other point, these claims are still rejected for the reasons given in the first Office Action.

### ***Conclusion***

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10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following documents disclose the ONTime and CaLANdar software products:

"Marking Time" in the July 24, 1995 edition of Network World.

"Timely updates for two schedulers: OnTime widens Web links, CaLANdar packs in PIM features" in the December 9, 1996 edition of PC Week.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven F Vincent whose telephone number is 703-305-9694. The examiner can normally be reached on M- F 8:30 am to 6:00 pm with first Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tod Swann can be reached on 703-308-7791. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-1396 for regular communications and 703-308-1396 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-3900.

Steven F. Vincent  
July 25, 2000.



ERIC W. STAMBER  
PRIMARY EXAMINER